

REMARKS

Applicants wish to thank Examiner Sellmann for allowing Claims 13-15.

Further, Applicants wish to thank Examiner Sellman for the helpful discussion on March 11, 2009. It was discussed that the components of Tsuchiko do not correspond to the claimed components. The Examiner appeared favorably convinced. She may order a full translation to make sure there is nothing else in this reference. Otherwise she may withdraw this rejection. Akiyama and Kamiya do not cure the defects of Tsuchiko. The combined references do not result in the present invention.

The specification has been amended to include the appropriate headlines.

Claim 28 has been canceled.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 7-11, 13-15 and 17-20, 22-25, 27, 28 will now be active in this application.

The objection to the specification has been obviated by the amendment of the specification.

The objection/ double patenting rejection of Claims 28 and 29 has been obviated by the cancellation of Claim 28.

The rejection of Claims 7, 8, 10, 19, 20 and 22 under 35 U.S.C. § 102(b) as anticipated by Tsuchiko (JP 6302081, abstract), the rejection of Claims 9, 11, 17-18, 24-25

and 27 under 35 U.S.C. § 103(a) over Tsuchiko in view of Akiyama (JP 2002309185, abstract), the rejection of Claims 23, 28-29 under 35 U.S.C. § 103(a) over Tsuchiko in view of Kamiya (JP 11228926, abstract) are respectfully traversed.

Applicants note that the rejections are based on the abstracts. The Examiner is requested to consider the references in their entirety and provide a translation. See MPEP 706.02.II.

“Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished). To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection.”

The abstract of Tsuchiko (JP 63-0203811) discloses that a radiation-curable pressure sensitive adhesive composition (B) is obtained by mixing

- a thermoplastic resin (a), preferably an acrylic polymer,
- a compound (b) having one ethylenically unsaturated double bond,
- a compound (c) having at least two ethylenically unsaturated double bonds, and
- a photopolymerization initiator (d).

It appears that Examiner Sellman believes the thermoplastic resin (a) of Tsuchiko to be identical with the pressure sensitive adhesive (II) according to the invention which is crosslinkable by active radiant energy.

However, the adhesive (II) according to the present invention has to be crosslinkable by active radiant energy. A simple acrylic polymer as in Tsuchiko, e.g. a polyacrylate, does

not have any polymerizable groups. Hence, the acrylic resin according to Tsuchiko cannot be crosslinkable by active radiant energy.

Further, an acrylic resin is not necessarily an adhesive, this is a question of the glass transition temperature T_g of this resin (see e.g. Claim 20). However, the abstract of Tsuchiko is silent about the T_g. Thus, there is no support for equating the thermoplastic resin (a) of Tsuchiko with the pressure sensitive adhesive (II) according to the invention. Therefore, the present invention is not anticipated by Tsuchiko.

Akiyama and Kamiya do not cure the defects of Tsuchiko. The combined references do not result in the present invention because Tsuchiko, Akiyama and Kamiya do not disclose or suggest each element of the claimed mixtures. Further, there is no motivation, suggestion or expectation of success for exchanging the components of Tsuchiko with other components.

Therefore, the rejection of Claims 7, 8, 10, 19, 20 and 22 under 35 U.S.C. § 102(b) as anticipated by Tsuchiko (JP 6302081, abstract), the rejection of Claims 9, 11, 17-18, 24-25 and 27 under 35 U.S.C. § 103(a) over Tsuchiko in view of Akiyama (JP 2002309185, abstract), the rejection of Claims 23, 28-29 under 35 U.S.C. § 103(a) over Tsuchiko in view of Kamiya (JP 11228926, abstract) are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of these rejections is respectfully requested.

Application No.: 10/501,072

Reply to Office Action of: December 26, 2008

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

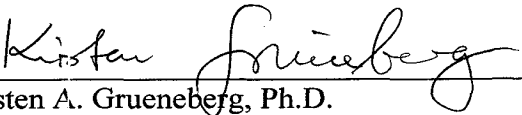
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO:KAG:
(OSMMN 08/07)


Kirsten A. Grueneberg, Ph.D.
Registration No.: 47,297